

**United States Bankruptcy Court
District of Minnesota**

In re Randy Lyle Miller asf Simply Seamless,
Inc. and Jane Christine Miller,

Case No. 10-36265 – DDO

Debtors,

CHAPTER 7

Beacon Sales Acquisition, Inc.,

Adv. Proc. No.

Plaintiff,

v.

Randy Lyle Miller asf Simply Seamless, Inc.,

Defendant.

COMPLAINT TO DETERMINE THE DISCHARGEABILITY OF A DEBT

COMES NOW the Plaintiff, as and for its cause of action against Defendant Randy Lyle Miller asf Simply Seamless, Inc. (hereinafter “Defendant”), states and alleges:

1. That this is a core proceeding and that the United States Bankruptcy Court, District of Minnesota, has subject matter and personal jurisdiction over the Defendants.

2. That Plaintiff Beacon Sales Acquisition, Inc. f/k/a Shelter Distribution, Inc. d/b/a Roof Depot (“Plaintiff”) is a corporation with offices located at 1860 East 28th Street, Minneapolis, MN 55407.

3. That Defendant Simply Seamless, Inc. is a Minnesota corporation with registered offices located at 760 Lake Elmo Avenue North, Lake Elmo, MN 55402.

4. That Defendant Randy Lyle Miller (“Randy Miller”) is an individual and President

of Simply Seamless, Inc.

5. That in July 2008, Simply Seamless, Inc. acting through its President Randy Miller, issued two (2) dishonored checks in connection with the purchase of roofing materials from Plaintiff.

6. That when those dishonored checks were issued, Defendant, acting as President of Simply Seamless, Inc., knew that the account connected to those checks did not have sufficient funds to cover the amounts written on the checks and that he made those representations with the intention and purpose of deceiving Plaintiff.

7. That upon those representations made by Defendant, Plaintiff relied upon them and accepted the dishonored checks as payment for the roofing materials.

8. That because of those representations, Plaintiff sustained damages.

9. That after Plaintiff received no payment for those dishonored checks, Plaintiff commenced a civil action against Defendant and Simply Seamless, Inc., in Washington County district court with court file number 27-CV-07-8242. A true and correct copy of the Summons and Complaint are attached hereto as **Exhibit "1"**.

10. That pursuant to that civil action, Plaintiff obtained a judgment against Defendant in the amount of \$17,478.49 plus interest accruing thereon ("Debt"). Such judgment was entered and docketed by the Washington County Court Administrator on July 13, 2010. A true and correct copy of the Judgment and Order are attached hereto as **Exhibit "2"**.

11. That the Debt owing by Defendant to Plaintiff is non-dischargeable pursuant to 11 U.S.C. § 523(a)(2).

WHEREFORE, Plaintiff prays the judgment and decree of this Court as follows:

1. An Order determining that the judgment in the amount of \$17,478.49 obtained by

the Plaintiff in the Washington County District Court is non-dischargeable pursuant to 11 U.S.C. § 523(a)(2).

2. For such other and further relief that this Court may deem to be just and equitable.

Dated this 9th day of November, 2010.

GABRIEL LAW OFFICE, PLLC

By: _____/s/_____

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